

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
422**

**SEARCH AND SEIZURE STANDARDS
TEMPORARY**

Supersedes: ~~AR 422 (Temporary, 05/5/25/11)~~ AR 422 (Temporary 1/5/12)
Effective Date: ~~01/05/12~~ 11/3/16

AUTHORITY

NRS 209.131

RESPONSIBILITY

The Warden/Facility Managers at each institution/facility are responsible to develop, review and approve Search Operational Procedures for their institutions/facilities.

Supervisors will ensure that each employee is required to read and understand the Search Operational Procedure.

All employees are responsible to read and understand the Search procedures.

422.01 GENERAL GUIDELINES

1. General Guidelines

A. Guidelines for Conducting Reasonable Searches and Seizures:

1. ~~(1)~~ Whenever possible, searches will be conducted in a manner so as not to damage property. Property ~~will~~ be left in or as close to the original state as possible.
2. ~~(2)~~ Unless otherwise dictated by emergency circumstances, searches should be conducted by staff or officers trained in search techniques and procedures.
3. ~~(3)~~ Searches will be conducted at a reasonable time of day or night, unless emergency circumstances exist and require otherwise.
4. ~~(4)~~ Searches are not to be conducted for arbitrary, capricious, oppressive, unreasonable reasons or harassment.

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5. ~~(5)~~ Searches will be conducted in a manner that causes the least disruption and affords respect and privacy for the property or person searched. Staff will avoid unnecessary force or embarrassment.
6. ~~(6)~~ Whenever practical and where there is no undue risk to the officers or employees conducting the search, the person or inmate to be searched will remain within view of the property being searched.
7. ~~(7)~~ All items seized will be properly tagged and identified according to procedures and all staff involved in the search will prepare an "Incident Report" whenever items are seized.
8. ~~(8)~~ Items discovered during a search which are either evidence of a crime or contraband will be seized and processed for appropriate disposal as required by law or regulation.
9. ~~(9)~~ When practicable, canine search teams, metal detectors, sensors, x-ray equipment and other technological devices are authorized for department use. Mirrors should be used in hard-to-reach spaces and in areas where sharps could be placed causing potential injury to staff.
10. ~~(10)~~ When an institution/facility shakedown (search) is conducted, a record shall be maintained and forwarded to the Warden/Facility Manager. The record will contain, at a minimum, the following:
- a. ~~11.~~ Names of all staff participating in the shakedown, identified by the role of each employee; and
- b. ~~12.~~ Record of each cell searched, including:
- A. ~~1.~~ Identity of staff who searched the cell;
 - B. ~~2.~~ Items removed from each cell;
 - C. ~~3.~~ Disposition of items removed from the cell; and
 - D. ~~4.~~ Identification of the cell number or location and inmates occupying the cell.

422.02 SEARCHES AT INSTITUTIONS/FACILITIES

1. To facilitate the investigation of criminal behavior or policy violations, searches will be conducted which may be periodic, uniform, random, or based on reasonable suspicion or probable cause. Random searches will be based on the need to control contraband, secure the facility, or maintain compliance with department policy and procedures.

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2. Posted Signs will be posted at each entrance onto facility grounds and at the entrance to the facility reception areas stating:

ATTENTION

All persons and vehicles subject to search.

Firearms, weapons, drugs and electronic devices, alcohol and tobacco prohibited.

Violators will be prosecuted.

NRS 212.140 and NRS 202.2491

422.03 CLEAR BAGS/CLEAR PLASTIC CONTAINERS/FACTORY SEALED CLEAR CONTAINERS

In order to maintain the safety and security of the Nevada Department of Corrections (NDOC) facilities and to detect and prevent entrance of contraband: All persons entering shall only possess clear PVC bags and containers (unless otherwise approved by the Warden or Associate Warden). All food must be in a clear container that can be visually inspected and searched if needed. Paper bags sacks and sandwich wraps (including wrappers from fast-food restaurants or similar establishments) are prohibited. Open beverages (including fountain drinks and coffee) shall be in a clear container and are subject to inspection.

422.04 SEARCHES OF OFFENDERS

~~4.~~ Inmates are subject to pat-down searches, frisk, strip visual body cavity, intrusive body cavity, and property searches, if necessary, for the safety and security of the institution/facility.

~~1. A.~~ Pat down, frisk, strip and visual body cavity searches of inmates and their property will be conducted by staff trained in conducting searches.

~~2. B.~~ In specific instances where the institutional physician feels performing a body cavity search poses a significant health risk to the inmate, the physician will advise the facility head. The warden may order the inmate placed in a dry cell.

~~3. C.~~ Local procedures will be developed to address the use of a dry cell when it becomes necessary as an interdiction measure for contraband. These procedures will address and contain, at a minimum, the following information:

~~A. (4)~~ Placement. Placement will occur on authority of the facility head only.

~~B. (2)~~ Preparation and Monitoring

~~1) a.~~ The inmate will be placed in a room/cell that is not accessible to other inmates and from which contraband cannot be passed, as defined in local procedures. The inmate will be afforded as much privacy as possible during

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this process. A thorough search of the room/cell will be conducted prior to placement of the inmate. If the room/cell has a toilet, water to the room/cell will be disabled and the toilet will be flushed prior to placing the inmate in the room/cell. If the room/cell does not have a toilet, the inmate will be escorted to and from designated toilet facilities. All movement in or out of the room/cell will require the inmate to be in full restraints.

- 2) ~~b.~~ Staff designated to monitor the inmate will be provided suitable protective gear and appropriate instruments to inspect and retrieve any contraband found.
- 3) ~~e.~~ The inmate will be monitored through personal observation at a minimum of every 30 minutes as well as continual observation through the use of cameras in place, if available.
- 4) ~~d.~~ All activities such as meals, liquids given, medication, etc., will be logged.

C. ~~(3)~~ Conditions While Assigned

- 1) ~~a.~~ Inmates placed in dry cell confinement will be fed as inmates in general population. Liquids will be provided for consumption at a minimum of every two hours.
- 2) ~~b.~~ After consultation with medical staff, the inmate may be offered a laxative. Under no circumstances will the inmate be force medicated.
- 3) ~~e.~~ A mattress, pillow and blanket will be provided. The inmate will remain clothed (shirt/t-shirt, underwear, pants, socks) or placed in a jumpsuit. No other property is authorized.
- 4) ~~d.~~ Restraints will not normally be used during the period of confinement. However, the facility head, after consultation with medical staff, may require the inmate to be placed in four/five point restraints in accordance with policy.

D. ~~(4)~~ Inspection/Retrieval

- 1) ~~a.~~ Upon observation of the inmate using the toilet facilities, staff will utilize appropriate protective gear; at a minimum to include a pair of disposable latex gloves and mask. The inmate will be restrained and removed from the room/cell in accordance with local procedures. Designated staff will enter the room/cell to observe the contents of the toilet. If a fecal specimen has been produced, it will be inspected by physically probing the specimen with a suitable instrument. If contraband is found, a pair of tongs or similar instrument will be used to remove the contraband from the specimen. The contraband will be cleaned as well as possible and placed in a clear biohazard bag.

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2) ~~b.~~ Any contraband found will be handled in accordance with NDOC policy.

~~(5)~~

E. Release

1) ~~a.~~ If a specimen has been produced and no contraband is found, the inmate may be released to his/her prior classification level upon approval of the Warden/facility head.

2) ~~b.~~ Duration of dry cell confinement will not normally exceed 72 hours, unless approved by the facility head after consultation with medical staff.

F. ~~(6)~~ Contraband detection by use of x-ray may be ordered in instances where reasonable suspicion indicates that an inmate is concealing contraband in a body cavity. Prior to an x-ray being conducted, the following guidelines will be met:

1) ~~a.~~ The safety and security of the facility are at risk;

2) ~~b.~~ Reasonable suspicion is established;

3) ~~c.~~ When the facility head consults with the facility physician and the physician orders the x-ray;

4) ~~d.~~ A report will be completed and submitted.

4. ~~D.~~ Intrusive body cavity searches will be conducted upon approval by the designated Deputy Director, or the warden/facility manager.

A. ~~(1)~~ Intrusive body cavity searches will be conducted in private and only be performed by a licensed medical professional acting within the scope of his or her license, or one of the following health services personnel: physician, dentist, physician's assistant, registered nurse, or licensed practical nurse. Dentists may only perform intrusive searches of the oral cavity.

B. ~~(2)~~ The search will be recorded in the inmate's health record, and the findings will also be documented by the health services employee who performed the search utilizing a facility incident report that will be submitted to the facility head.

C. ~~(3)~~ Inmate cooperation will be sought, but uncooperative inmates may have body cavity searches performed with a use of reasonable force if necessary, and only if the search can be conducted in a medically safe manner after approval by the facility head and after consultation with the performing health services employee.

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D. ~~(4)~~ The search will be conducted in a medically safe manner consistent with standard methods of examining the involved body cavity.

E. ~~(5)~~ Contraband found during the search will be removed if feasible and medically safe. A concealed balloon that is suspected to be filled with a drug or unknown substance will not be removed during a body cavity search. The medical staff will advise the facility head of the appropriate action to take to safeguard the inmate and prevent the loss of the contraband.

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422.0405 VISITOR SEARCHES

1. Every visitor entering the grounds of an institution/facility will be subject to pat down, frisk and personal property searches and may be subject to strip searches. Prior to the search, the visitor will be informed of the type of search to be performed and of the visitor's option to refuse to be searched. If the planned search is to be a strip search, the visitor must give consent in writing to be strip searched, unless a search warrant has been obtained and a peace officer is present. In the absence of a search warrant, any person not giving permission to search upon request will be required to leave the institution/facility grounds. This refusal may be the basis for further denial of future entry.

A. Strip searches may only be conducted as follows:

- (1) There is reasonable suspicion that the person may be carrying contraband.
- (2) The person is notified of the right to refuse to be searched and gives written approval to be searched per the "Consent to Search" form.
- (3) The search is conducted by two staff members trained in conducting searches and of the same gender as the person being searched.
- (4) The search is conducted in a private area as near the perimeter entrance as possible.

B. There will be no random strip, visual body cavity, or intrusive body cavity searches of visitors by NDOC staff.

2. Searches of Juvenile Visitors

A. For the purpose of searches, a juvenile will be defined as any person who has not reached their eighteenth birthday and who has not been emancipated from their parent or guardian.

B. Pat down and frisk searches may be conducted on every juvenile visitor desiring entry into a prison. Such searches will be conducted in accordance with policy. More invasive searches of juveniles will not be conducted by NDOC staff. NDOC

staff may provide information to certified law enforcement personnel from the local jurisdiction. If staff has a reasonable suspicion or probable cause to believe that a juvenile is in possession of contraband or evidence of a crime, local law enforcement officials will be notified of the information, and the visit will be denied.

C. A search of a juvenile will be conducted only in the presence of the parent or legal guardian.

422.0506 STAFF SEARCHES

~~1.~~ All staff, including volunteers, contractors, etc. entering a correctional facility may be subject to pat down, frisk, strip search, or visual or intrusive body cavity searches.

~~1. A.~~ Pat down searches may be conducted randomly or with reasonable suspicion or probable cause.

~~2. B.~~ Staff may be subject to a strip search only if the facility head or designee determines that reasonable suspicion or probable cause exists and authorizes the search..

~~3. C.~~ Strip searches will be conducted in the same manner as required for strip searches of visitors as described in this procedure.

~~4. D.~~ There will be no random strip searches of staff.

~~5. E.~~ Visual and intrusive body cavity searches of staff may only be conducted with a search warrant. After obtaining a search warrant for an intrusive body cavity search, its execution by a medical professional and the peace officer named in the warrant will be approved by the Deputy Director.

~~6. F.~~ Refusal by any staff person to submit to a search may be grounds for corrective discipline, including termination and will require that the staff person leave the facility grounds, immediately.

422.06 422.07 PERSONAL PROPERTY SEARCHES

1. All personal property being carried through the perimeter of a facility is subject to being searched.

2. Any search of the personal property of staff, inmate, or a visitor must be done in their presence unless security concerns or circumstances dictate otherwise.

3. In the case of an inmate who is unavailable, the unavailability will be documented, and one staff member will conduct the search while another staff member witnesses the search unless circumstances dictate otherwise.

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4. If a visitor refuses to allow a personal property search, he or she will be directed to leave facility grounds. A refusal may be used as evidence to deny entry into the facility at a later time.

~~422.07~~ 422.08 **LIVING QUARTER SEARCHES**

~~4.~~ Inmate institutional living quarter searches will be conducted on periodic and random basis, as well as based on individual reasonable suspicion or probable cause.

~~422.08~~ 422.09 **VEHICLE SEARCHES**

1. All vehicles and their contents will be searched upon entering and exiting through the secure perimeter of maximum and medium security facilities.

2. Private vehicles and their contents may be subject to search upon entering the grounds of any facility.

A. Searches of Visitors' Vehicles will be conducted:

(1) Upon reasonable suspicion of criminal activity when conducted by a certified correctional officer or a peace officer;

(2) Routinely on all visitors' vehicles upon entering prison grounds and being parked in an area that is routinely accessible to inmates at the institution/facility. The owner/operator will be required to watch the search.

(3) If consent to search is requested and the authorized owner/operator of a privately owned vehicle refuses to grant permission for the search, entry to the facility property will be denied and may result in denial of future access to the facility; and

(4) A search of a visitor's vehicle is also permitted if probable cause exists to believe that evidence of a crime is present inside the vehicle and a peace officer is present.

B. Staff Personal Vehicles

(1) Staff personal vehicles that may be routinely accessible to inmates may be searched by uniform random selection, or when there is reasonable suspicion that the vehicle contains contraband.

(2) Staff personal vehicles routinely inaccessible to inmates may only be searched with consent, or upon a search warrant, or upon exigent circumstances and probable cause.

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(3) Staff members will be present during a search of their vehicle, unless circumstances dictate otherwise.

(4) If probable cause exists to conduct the search and a peace officer is present.

3. All state owned vehicles may be inspected at any time at the discretion of the facility head. An inspection or inventory of state vehicles is not a search. When a criminal act is suspected, a search should be with a search warrant, but a warrantless search of an employee's permanently assigned state-owned vehicle for fruits of a criminal act may be conducted when reasonable suspicion and exigent circumstances are present and documented.

422.0910 SEARCHES OF COMPOUNDS, PERIMETERS, GROUNDS, OR ANY AREA OWNED OR UNDER THE CONTROL OF THE DEPARTMENT OF CORRECTIONS.

1. Searches of these described areas will be conducted as determined by the Warden/facility manager or designee.

2. Offices, desks, and lockers may be searched when a supervisor has reason to believe that the employee has committed some work-related job discrepancy or violation of operations procedures or administrative regulation, to ensure compliance with established procedures.

3. When a criminal act is suspected, a search should be with a search warrant, but a warrantless search of an employee's individual desk/locker for fruits of a criminal act may be conducted when reasonable suspicions or probable cause and exigent circumstances are present and documented.

422.1011 USE OF CANINE DRUG AND CELL PHONE DETECTION

1. Vehicles

A. Canine drug detection screening may be performed uniformly or by systematic random selection on vehicles inside secured perimeters or in areas to which inmates have access. Upon "alerting", (the dog's signal that it has detected the presence of illegal contraband) probable cause exists to search the vehicle for contraband. If other contraband is found, it may also be confiscated.

B. Canine drug detection screening of vehicles parked on facility property in areas inaccessible by inmates may also be performed uniformly or by systematic random selection. Upon "alerting", probable cause exists to conduct a search of the vehicle.

2. Persons

A. All persons, including employees, entering the grounds are subject to canine drug detection screening. If the dog “alerts” on a particular person, there is probable cause to search further, including a strip search. Failure to submit to a search will result in denial of entrance to visitors, or may result in disciplinary action to an employee.

3. Inmate Living Quarters, Grounds, Buildings and Offices

A. Canine drug detection screening may be performed uniformly or by random selection of all DOC facilities.

B. Upon “alerting”, reasonable grounds arise to search the location for contraband.

APPLICABILITY

1. This regulation applies to all employees of the Department.
2. This regulation requires an Operational Procedure at each institution/facility.
3. This regulation requires an audit.

James ~~G. Cox~~, Dzurenda, Director

Date